

PD-0677-21

IN THE COURT OF CRIMINAL APPEALS

FILED
COURT OF CRIMINAL APPEALS
3/4/2022
DEANA WILLIAMSON, CLERK

OF THE STATE OF TEXAS

HAROLD GENE JEFFERSON,

Appellant,

V.

THE STATE OF TEXAS,

Appellee.

On Appeal from the Court of Appeals
Eleventh Judicial District, Eastland, Texas
Cause Number 11-18-00184-CR

And the 104th Judicial District Court of Taylor County, Texas
Honorable Lee Hamilton, Judge Presiding
Trial Court Cause Number 20708-B

**STATE'S FIRST MOTION FOR EXTENSION
OF TIME TO FILE BRIEF ON THE MERITS**

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

The State of Texas, by and through its Assistant Criminal
District Attorney, moves the Court for an extension of time to file its
brief on the merits in the above-entitled and numbered cause, and
shows:

I. Statement of the Case

This is an appeal from convictions for three counts of sexual assault and one count of indecency with a child. Punishment was assessed at 35, 45, 45, and 25 years, to run concurrently. Appellant appeals in two points of error, arguing ineffective assistance of counsel and that the counts added by the amended indictment are void.

II. Cases Recently Filed and Argued, Other Assignments

Counsel has been engaged in researching and drafting the State's brief in *Leonicio Sharpe v. State of Texas*, 07-21-00221-CR, transferred to the Seventh District through a docket equalization order. This brief was due on March 4, 2022 and was timely filed ahead of that date on March 2, 2022.

Counsel has been engaged in researching and drafting the State's response in *Ex parte John Johnson Jr.*, an 11.07 writ in the 350th District Court; this brief has a 15 day response time and is due on Friday February 18, 2022.

Counsel had oral argument in the Eleventh Court of Appeals on February 2, 2022 in *Carlos Enrique Hernandez v. State of Texas*, 11-20-00239-CR.

Counsel had a Brief on the Merits due and timely filed in the Supreme Court of Texas on January 3 in *In the Interest of A.L.R, a Child*, 21-0658, arising from the Eleventh Court's opinion in 11-20-00294-CV. This brief had been granted one extension of 15 days, and the Supreme Court stated further requests for extension would be disfavored.

The State had a brief due on January 7, 2022 in *In re Commitment of V.S.*, 11-21-00198-CV, timely filed ahead of that date on January 6, 2022. This brief had been pending longer, had been granted previous extensions, and necessarily took precedence. Counsel for the State had proposed findings of fact and conclusions of law due on January 7, 2022 in *Ex Parte Todd William Barr*, 27680-A, an 11.07 application for writ of habeas corpus. The application alleged eight separate grounds, took considerable review of the record and research, and the proposed findings of fact and conclusions of law were comparatively lengthy.

Counsel had a brief due on December 29, in *Richard Anthony Amparan v. State of Texas*, 11-21-00162-CR; this brief was timely

filed on December 20, 2021. This brief had been pending longer, had been granted two prior extensions, and necessarily took precedence. Counsel had a brief due in and timely filed in the Eleventh Court on November 30 in *Jeffery Winston Forrest v. State of Texas*, 11-21-00062-CR. This case involved a lengthy trial and a ten volume reporter's record, and the State's brief was accordingly lengthy and time consuming, totaling over fifty pages. This brief had been pending longer, had been granted previous extensions, and necessarily took precedence.

The State has been engaged in a response to an application for 11.07 writ of habeas corpus in the 350th District Court in *Ex Parte Mathieu Kanyabitabo*; the court's response was due December 9, 2021.

III. Briefs and Oral Arguments Pending

The State has three briefs currently due next Monday March 7, 2022; two accelerated appeals and a brief on the merits in the Court of Criminal Appeals. The State has a Brief on the Merits due in the court of Criminal Appeals on Monday March 7, 2022 in the instant case, *Harold Gene Jefferson v. State of Texas*, PD-0677-21.

The State has a brief due on March 7, 2022, *In the Interest of D.H., a child*, 11-21-00286-CV; this in an accelerated appeal. The State has a brief due in the instant case on March 7, 2022 in *In the Interest of Z.O., a child*, 11-21-00275-CV, also an accelerated appeal.

Counsel is assigned to a two-defendant murder trial currently pending in the 350th District Court and has a motion hearing on Friday March 11, 2022. This hearing will address several novel issues and is taking considerable research and preparation. The State also has a brief due on March 11, 2021 in *Shaquetta Mays v. The State of Texas*, 11-21-00276-CR.

IV. Prayer

The State requests a 15 day extension from the current due date. This request for extension of time is not made solely for the purpose of delay, but so that justice may be served.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

I, Britt Lindsey, affirm that the above motion is in compliance with the Rules of Appellate Procedure. The font size in the body of the motion is 14 pt. The word count is 987 including the entire motion.

/s/ Britt Lindsey
Britt Lindsey

CERTIFICATE OF SERVICE

I certify that on this 3rd day of March, 2022, a true copy of the foregoing State's First Motion for Extension of Time to File Brief on the Merits was served according to the requirements of law by email or efile to:

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